

Remarks

In the outstanding office action claims 26-42, and 46-52 were presented for examination. The claims were rejected on the basis of the reference to Delrieu. Respectfully, applicant notes that Delrieu fails to disclose or even remotely suggest the invention, which involves the active step of varying density in a particle preserving an active agent and releasing it upon application to the skin.

While Delrieu does teach mixing various particles and each of them has a density which contributes to the overall density of the gel bead, that is where the similarity between Delrieu and the invention ends.

Delrieu does not teach adding an effective quantity (claim 26) of the density control agent to promote uniform dispersion. Delrieu does not teach density control. The silica microsphere of Delrieu will not control density because it absorbs the base, namely, oil which is specifically noted as included in the example cited in the office action ("cold oil" column 20, line 32). Accordingly, Delrieu is completely irrelevant to the present invention.

To the contrary, Delrieu solely discloses porous, oil-absorbing silica shells. Delrieu's silica shells are not effective to control density of a formulation because of the porous nature of the shells. Indeed, as noted above, Delrieu is not interested in density control of a formulation at all.

In contrast to the oil absorbing silica of Delrieu, as disclosed on page 12, lines 24-25 and line 28 of the present application, the hollow microsphere density-control agent entraps gas within the structure of each particle, and the gas remains entrapped unless the microspheres are ruptured. This "substantially impermeable" particle is recited in claim 26, as the density control agent entraps gas unless ruptured, and this feature is not shown in the prior art. Allowance is respectfully sought.

The entrapment of gas in the density-control agent (unless it is ruptured) is expressly claimed in new claim 53. This aspect of the invention is not even remotely suggested in the art of record and, accordingly, it is believed that claim 53 is inarguably drawn to allowable subject matter.

In addition, new claim 54 recites the further step of calculating the amount of the density-control agent in order to provide a desired density adjustment. This limitation is drawn to one way of coming to the effective quantity recited in previously filed claim 26. Nowhere, as previously pointed out, does Delrieu teach or suggest adjusting the density of their formulations, let alone calculating to determine the amount of agent, as is expressly taught in the present application and claimed in new claim 54.

New claim 55 also has been added, which recites that the density-control agent comprises a temperature-sensitive expandable thermoplastic whose final

volume and density is controlled during processing by suitable temperature management. Here again, Delrieu does not teach or suggest substantially impermeable temperature-sensitive expandable thermoplastic. Moreover, this is not a new issue, as it was in the previously submitted claims as dependent claim 47. Likewise, this aspect of the invention as claimed in original claim 38.

In view of the fact that Delrieu does not remotely suggest controlling the density and volume of the temperature sensitive expandable thermoplastic microsphere, as claimed in claim 55, it is respectfully submitted that claim 55 is most clearly drawn to patentable subject matter, and such action is respectfully sought.

It is submitted that the claims as presently amended do not justify the rejection of the claims as being anticipated by Delrieu, and thus this rejection should be withdrawn.

If the examiner wishes to discuss any aspect of this response, the examiner is invited to contact the undersigned at the telephone number indicated below. The Commissioner is authorized to charge any additional fees required or to credit any overpayment to Deposit Account No. 20-0809.

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